

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

CW, et al.,	)	
	)	
Plaintiffs,	)	
v.	)	CASE NO. 3:10-cv-00087-PPS-CAN
	)	
TEXTRON, INC.,	)	
	)	
Defendant.	)	

**DEFENDANT'S MOTION IN LIMINE TO EXCLUDE THE REPORT AND  
TESTIMONY OF PLAINTIFFS' EXPERT WITNESS, CLAUDE A. RUFFALO, PH.D.**

Defendant Textron, Inc. hereby moves *in limine* to exclude from evidence the expert reports of plaintiffs' witness, Claude A. Ruffalo, Ph.D., and to bar all testimony at trial by Ruffalo concerning the matters addressed in that report. Ruffalo, a clinical psychologist, was retained by plaintiffs to perform neuropsychological assessments of C.W. and E.W. Based on these assessments, Ruffalo concludes that the plaintiffs have permanent neurocognitive impairments most likely caused by exposure to vinyl chloride.

Ruffalo's opinions do not satisfy the criteria for admissibility under Rule 702 of the Federal Rules of Evidence and the Supreme Court's decision in *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579 (1993). Ruffalo does not have the appropriate education or training to administer neuropsychological assessments to children. Thus, he should not be allowed to offer testimony in this highly specialized area. What is more, Ruffalo's assessments of C.W. and E.W. are rife with methodological errors which warrant the exclusion of his reports and testimony. Finally, Ruffalo's opinion that the plaintiffs were exposed to sufficient vinyl chloride to cause neurotoxic injury is not based on peer-reviewed or scientific literature, but is instead supported by Ruffalo's bizarre and unknown "fingerprint" theory. Accordingly, as explained

more fully in Textron's concurrently filed brief, plaintiffs should not be permitted to present evidence or testimony pertaining to Ruffalo's reports or opinions.

Respectfully submitted,

/s/ Frank J. Deveau

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on November 1, 2012, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following counsel of record by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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